

MINUTES OF THE  
MAG 9-1-1 OVERSIGHT TEAM MEETING

September 11, 2007  
MAG Office Building, Palo Verde Room  
Phoenix, Arizona

MEMBERS ATTENDING

Harry Beck, Mesa Fire Department, Chair	Tom Melton for Helen Gandara-Zavala,
* Mark Burdick, Glendale Fire Department	Scottsdale Police Department
Jessie Greening for Ray Churay, Maricopa	Brenda Buren, Tempe Police Department
County Sheriff's Office	Lawrence Rodriguez, Tolleson Police
* Mike Fusco, Emergency Management, Peoria	Department
Steve Kreis, Phoenix Fire Department	
Robert Demlong, Phoenix Police Department	

\* Those members neither present nor represented by proxy.

# Attended by telephone conference call.

+ Attended by videoconference call.

OTHERS PRESENT

Valerie Day, MAG	Liz Graeber, MR 9-1-1 Administrator
Mike Benjamin, MR 9-1-1	Barbara Jaeger, State 9-1-1 Office
Dave Eaton, MR 9-1-1	Chris Nadeau, Goodyear

1. Call to Order

The meeting was called to order by Chairman Harry Beck, Chief, Mesa Fire Department, at 1:35 p.m.

2. Call to the Audience

An opportunity is provided to the public to address the 9-1-1 Oversight Team on items that are not on the agenda that are within the jurisdiction of MAG, or non-action agenda items that are on the agenda for discussion or information only. Citizens will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Oversight Team requests an exception to this limit. Opportunities for comment on items posted for action are provided at the time the item is heard. Chairman Beck noted that no public comment cards had been turned in.

3. Approval of the May 2, 2007 Meeting Minutes

Commander Demlong moved to approve the minutes of the May 2, 2007 meeting. Chief Rodriguez seconded, and the motion carried unanimously.

4. MAG FY 2008 PSAP Annual Element/Funding Request Amendment

Liz Graeber, Administrator for the Maricopa Region 911 system, provided a report to the Oversight Team on the City of Surprise request to amend the FY 2008 PSAP Annual Element/Funding Request. The request is for an additional position to accommodate the agency's growth, and the increases in calls and personnel. Ms. Graeber noted that the amount is approximately \$74,000 and justification for the amendment was included in the agenda packet. She stated that the MAG Public Safety Answering Point (PSAP) Managers recommended approval of the funding request amendment. It was noted that this item was presented to inform the Oversight Team of a modification to the budget and no action by the Oversight Team was required. According to MAG policy, action by the Oversight Team is required only on amendments of ten percent or more of the total equipment budget. This amendment does not exceed that threshold.

Chair Beck asked Ms. Graeber to expand on the growth that necessitated the request. Ms. Graeber explained that Surprise itself has experienced tremendous population growth. In addition, Surprise is negotiating with the City of El Mirage to provide dispatching.

Chief Kreis asked if this would require additional positions. Ms. Graeber replied that she understood that El Mirage will purchase an additional position and a third position might be necessary in 2009.

Chief Rodriguez asked the threshold for a new position. Ms. Graeber responded that the state has not set a threshold, but an agency needs to demonstrate an increase in calls from the previous year and that the position will be manned. She added that the agency also has to provide a console, CAD system, and staff. Ms. Graeber noted that every new position requires six new hires.

5. MAG FY 2009 PSAP Annual Element/Funding Request and FY 2009-2013 Equipment Program

Ms. Graeber reported on the annual process in which the PSAP Managers submit inventory and upgrade requests that are used to develop a five-year equipment program that forecasts future 911 equipment needs of the region. These requests enable the MAG 911 office to provide estimates of future funding needs to the Arizona Department of Administration (ADOA). Ms. Graeber noted that the agenda packet included justifications if an agency was making a request, with the exception of those agencies receiving a planned upgrade. Ms. Graeber noted that the funding request totals approximately \$4.1 million. Ms. Graeber noted that the MAG PSAP Managers recommended approval of the Funding Request and Equipment Program and the Oversight Team is being requested to make a recommendation for approval to the MAG Management Committee.

Chair Beck asked if there were additional areas identified that might require additional funding. Ms. Graeber replied that as far as positions, there were no additional needs. However, because the Community Emergency Notification System (CENS) program is not funded by the state excise tax, and its fund will be depleted by March 2008. Ms. Graeber explained that the state 911 office has agreed to pick up the funding until July 2008. Chief Beck noted that funding issues would be discussed in more detail under the next agenda item.

With no further questions, Chief Beck called for a motion to recommend approval of the MAG FY 2009 PSAP Annual Element/Funding Request and FY 2009-2013 Equipment Program. Chief Rodriguez moved, Chief Kreis seconded, and the motion carried unanimously.

6. Discussion of Funding Issues

Ms. Graeber continued the discussion of the CENS program funding. She stated that the CENS program will end in July 2008 if no other funding is found. She explained that the state has indicated it cannot afford to fund the program past the couple of months agreed to due to the reduction in the 911 excise tax. Ms. Graeber stated that the Maricopa Region 911 office has looked to other sources of funding, such as applying to the Gila River Indian Community gaming fund for \$200,000. She noted that the monthly cost for CENS is approximately \$38,000.

Chair Beck asked the findings of the MAG ad hoc group that had been meeting to review funding alternatives. Ms. Graeber stated that the group met several times. She said they have agreed they want to continue the CENS program, and felt that incorporating the program into agencies' emergency management would give it a larger role. Ms. Graeber stated that the group also wants to explore vendors. She noted that once funding is secured, a request for proposals could be issued. Ms. Graeber advised that increasing the MAG 911 assessment was not an option.

Chair Beck asked if legislative action on CENS funding had been discussed with the intergovernmental representatives. Ms. Graeber replied that the intergovernmental representatives had been consulted on CENS, during discussion of the decrease of the excise tax. She reported that there was discussion that the state indicated that the CENS program could be saved if the excise tax was returned to the former level of 37 cents per month. Ms. Graeber advised that due to the decrease of the 911 tax, Maricopa Region 911 was losing one position and the state was losing one position. She noted that the state has indicated it will not fund any new programs due to the decrease in the state 911 fund. Ms. Graeber added that if the state 911 fund runs short of money, other areas of the state will not be able to implement Phase 2. Ms. Graeber noted that cost is not just installing equipment, but maintaining it, which is very expensive. She advised that eventually, the 911 fund will run out and then the region will need to determine how to fund 911.

Chief Kreis asked for confirmation of his understanding that funding for the CENS system is separate from the state 911 funding and if the Legislature does not fund it by July 1, 2008, then it will end. Ms. Graeber replied that was correct, unless another source of funding was found.

Chief Beck asked if including CENS was part of the justification to return the excise tax to 37 cents. Ms. Graeber replied that was correct. Chief Beck asked if there was any agreement to include CENS as a statewide program. Barbara Jaeger, State 911 Office, replied that there was no agreement to implement CENS statewide. She added that Pima County would like to implement it, but has found no funding source.

Chief Kreis asked if the Legislature approved the 37 cent excise tax if that would put the state in a position to fund CENS. Ms. Jaeger replied that it more than likely would. She said that the state 911 fund will not go into a deficit until 2011 or 2012, but at this point, the state will not take on additional programs that will eat into the 911 reserve fund. Chief Kreis asked Ms. Jaeger if she was comfortable that if the excise tax was returned to 37 cents that the state would be able to fund CENS statewide. Ms. Jaeger replied yes. She added that everyone has done too good a job operating 911 and the amount of money in the reserve fund hinders attempts to go to the Legislature.

Chief Beck asked if the reserve fund was encumbered. Ms. Jaeger explained that due to federal legislation, they have to report to the GAO any funding. As a result, they are not eligible to apply for federal funds for public safety communications. She said that it is not fiscally responsible to add projects that do not have long term funding. Ms. Jaeger noted that some projects do not get completed during a fiscal year and this shows revenue left at the end of the year. She advised that the Department of Revenue combined the wireless and wireline accounts into one pot so she is unable to determine which revenues come from which account. She added that this could be a good thing to keep the wireless carriers from saying the account could only be used for wireless.

Ms. Graeber reported that the state PSAPs support having legislation passed. She said that last year, the Legislature committed to having a study group look at 911, and added that the intergovernmental representatives are encouraging this.

Chief Kreis asked Ms. Graeber if the MAG 911 Office was fully staffed. Ms. Graeber replied that the MAG 911 Office could use two more positions, because it oversees the installation and maintenance of the 911 equipment. Ms. Graeber noted that her technical staff is stretched thin. Chief Kreis asked if the funds saved through not filling the CENS Manager position allowed the CENS program to continue operation longer than projected. Ms. Graeber replied that was correct. She advised that when she left the CENS Manager position to become Maricopa Region 911 Administrator, the position was left vacant. Ms. Graeber commented that while this allowed the program to continue, the duties for training and managing the program had to be fulfilled part-time by herself and Mary Franklin. She stated that the program could use a full time staff member to promote its usefulness and train agency staff. Chief Kreis noted that Phoenix tried to use CENS for a recent incident, but there was a 30 minute delay in activation. He asked if the cause of the delay could be attributed to lack of staff. Ms. Graeber replied that she was unsure but would check into the launch delay.

Chief Beck asked if the plan was for the intergovernmental representatives to go forward with legislation on the excise tax that would include CENS. Ms. Graeber replied that they would be discussing this. She noted that even if the tax was returned to 37 cents, the rate paid by Arizona residents would still be one of the lowest in the nation.

Chief Beck advised that a report might be given to the Management Committee and Regional Council about possible alternatives for 911 in the entire region. He suggested taking a proposal to the Management Committee and ask their direction. He stated that he thought the Management Committee would need to know if the Legislature does not decide to support CENS, they could have the opportunity to fund it or let it go by the way.

Chief Beck proposed presenting this through the MAG process. He asked Ms. Graeber to notify the PSAPs this is an issue, and have them take the approved Five Year Plan to their city manager or intergovernmental representative. Chief Beck noted the difficulties encountered the last time there was legislation on the excise tax. He stated that there was a crisis then, because the region did not have Phase 1 and Phase 2. Chief Beck stated that close coordination with the State 911 Office will be needed. He stated that through the Freedom of Information Act, the amount spent on equipment could be determined. Chair Beck stated that having a fund not designated as encumbered is coming back to impact us. The reserve fund was a huge hurdle and was the reason the state 911 system lost \$15 million.

Ms. Jaeger stated that an accounting system is in place to show what was expended on equipment. As far as the reserve account, if all of the funds were spent today, the 911 system would be a deficit in one year. She advised that the reserve account allows the state 911 office to help in other areas of the state, and added that even the City of Phoenix would be hard-pressed to support its own system. Ms. Jaeger stated that the media has requested reports on expenditures and revenue through the Freedom of Information Act, but when they get them, they say they are too detailed and confusing. She said she has no problem with giving the Maricopa Region 911 office anything it might want. Ms. Jaeger added that she was concerned with providing a report for this year, because the FY 2008 budget has not yet been approved. Ms. Jaeger stated that the state 911 office gives the Maricopa Region 911 office budget reports. She added that the expenditure information is readily available.

Chief Beck stated that MAG needs to show what has been programmed in the reserve account and when. Ms. Jaeger stated that the state 911 office has expenditure projections through 2012 and are included in the JLBC report, which is updated each year. Ms. Jaeger commented that even with a 20 cent excise tax, the state 911 fund is all right until 2011. She added that situations do change. For instance, one of the largest carriers who consolidated decided not to seek cost recovery and will do self recovery.

Chair Beck asked the Oversight Team what they thought of providing an update to the Management Committee on 911 issues. Propose asking them for a recommendation to authorize forming a Task Force of professionals to deal with key elements of public education, legislation, and awareness of issues. Chief Beck stated that concern can be created quickly on this issue. By a presentation to the Management Committee, they will be informed of the circumstances.

Chief Kreis stated that the Oversight Team would be negligent if they do not inform the Management Committee. It is the committee's responsibility to let them know if an element of the 911 system is in jeopardy.

Chief Beck stated that any data used need to be accurate and defensible.

Commander Demlong asked the national average excise tax. Ms. Jaeger replied the average runs from 50 cents to 75 cents. Commander Demlong asked on what they expend the funds. Ms. Jaeger replied that they spend money on radios, personnel costs, and a variety of services not included in Arizona's statute. Chair Beck noted that the way the statute is written, 911 funds can only be spent on 911 equipment, except for three percent that goes toward administration. Chief Beck commented that the region's emergency telecommunications departments do well with so few funds. No articles have been written indicting 911.

Chief Beck stated that accurate data can get you in the door of the Legislature for discussion. He recalled that the last time the excise tax was before the Legislature, the cell phone companies derailed efforts by opposing it. He remarked that this was perplexing, because a large portion of the tax was to fund reimbursement to them. Ms. Jaeger commented that the issue is mandatory term limits and it is a continuous process to keep new legislators informed. Chief Beck stated that is why a Blue Ribbon Committee is necessary. Without that, the focus will be lost.

Ms. Graeber asked if the intergovernmental representatives would be a part of the MAG task force. Chair Beck stated that he envisioned it would be more than intergovernmental representatives. He would recommend asking the Management Committee to formulate the group to ensure effectiveness.

Chair Beck stated the right stakeholders need to be identified and political support is needed. When DPS needed \$300 million to fund a statewide communications system, they found a champion in Representative Weiers. Chair Beck stated that professional guidance is needed to determine if a public safety communications component should be added as other states have. Ms. Jaeger stated that at a JLBC meeting with the Senate President, consolidation was discussed. She reported that New Mexico has a legislative requirement of one PSAP per county and two PSAPs for larger counties. She advised that this only reduces equipment costs, not personnel costs. Ms. Jaeger cautioned about what you ask for, because there are pitfalls.

Chief Beck asked what would happen if the 911 system went into a deficit. Ms. Jaeger stated that she suspected that the Legislature would approve funds to carry the system through. She explained that the state 911 fund is one of the few non-appropriated funds in the state, which has been beneficial. Ms. Jaeger commented that the Legislature wants more control, not less. With the federal GAO, 911 is a lot more visible than it was.

Mr. Melton agreed that adding the perspective of the Management Committee would improve direction.

Commander Demlong agreed with including the direction from the Management Committee. He commented that it might get the issue to the highest levels. Commander Demlong expressed his fear that it would be the last hour before something was done. He spoke about the Resolution presented at the League of Arizona Cities and Towns conference, where he asked their legal advisor to push something like this with the Legislature. Commander Demlong stated that it is the Oversight Team's responsibility to instigate the process.

Chief Kreis stated that the Oversight Team would be negligent if they did not report this to the Management Committee. He commented that this is an issue that is overdue. Chief Kreis stated his agreement with going to the Management Committee and telling them 911 needs their assistance and expertise.

Mike Benjamin said that from his perspective, he felt there were aspects of the system that were about to break. He asked if it would take media focus to say it is broken or would it be this committee?

Mr. Melton stated this agreement with Mr. Benjamin. Mr. Melton stated that it has been his experience that people will not act until there is a crisis, but at least due diligence by this group could be demonstrated.

Ms. Jaeger stated that if there are components people feel might fail, why do they not put it in the budget so it can be fixed. She stated that this puts them in a negligent situation, and puts it on the state's plate and says it is the state's fault. Ms. Jaeger advised submitting budget requests. If it is not funded one year, then reapply the next year. She urged consistently identifying a need and eventually, it will come to someone's attention.

Chief Rodriguez stated that it was appropriate to have discussion of funding issues now. We cannot wait until it is broken. Chief Rodriguez stated that as a group, the Oversight Team needs to take this forward.

Mr. Melton commented that the success of MAG 911 is its own worst enemy. People see 911 and do not see any problems. Mr. Melton commented on the importance of the education component. Mr. Melton stated that the Chiefs' Association will support this. He stated that in conversations with the intergovernmental representatives, they discussed that the PSAP Managers need to inform the city managers about this.

Ms. Graeber commented that the Resolution was passed on the consent agenda at the League conference, so there was no discussion, but they are behind it.

Chair Beck stated that when the Legislature does not understand what is behind the costs, they vote no. It is imperative that they be briefed and understand the issues. If MAG rallies around this, it will allow cities who do not understand the issue to support it. Mr. Melton stated that general direction agenda-wise from MAG is needed.

Chair Beck stated that the region has some of the best intergovernmental representatives, but when there was surplus in the budget, even they could not get back 911's \$15 million. He commented that the odds are still low to get what the 911 system needs. Ms. Graeber stated that this tasks not only her, but others in the state. She stated that the legislative study committee is the biggest tool MAG 911 has.

Chief Beck stated that if public interest is created, it will not be as difficult to educate legislators, but professional guidance is needed. He said that he would speak to MAG's Executive Director about presenting to the Management Committee, and added that it would be helpful for the Oversight Team to attend the meeting to gain support.

Ms. Jaeger stated that she wrote the report for the legislative group. She said she had high hopes, but they took the report at face value. Ms. Jaeger reported that Representative May said the region has Phase 1 and Phase 2 and 911 did not need more money. She noted that any tax increase needs a two-thirds vote.

## 7. Maintenance of the 9-1-1 Equipment

Mr. Benjamin provided an update on maintenance of the 9-1-1 equipment. He said they were fully staffed as of August 24<sup>th</sup>. One position was split into two positions. The senior level staff person will report directly to him to get a better handle on projects. Mr. Benjamin noted that Tempe, DPS, and Chandler have large upcoming projects. He spoke about the staffing difficulties encountered because the Technical Supervisor was deployed to Iraq and his return date is unknown. Mr. Benjamin reported that the Phoenix Police Department project is a large project and is getting ready to connect two new locations. Surprise and Glendale are using new technology products not used before in the state. Mr. Benjamin commented that the Maricopa Region 911 office is doing what they can with what they have and will continue to do so. He stated that the system was antiquated technology in the 1980's when 911 was implemented and has not changed. Mr. Benjamin stated that, without getting into

vendor specifics, the system cannot continue as it is. He stated that \$20 million will not go far with the next generation 911.

Chief Beck asked if the approved 911 Five Year Plan addressed these issues. Ms. Graeber replied that it did, and was more of a survival plan. Mr. Benjamin stated that expectations have increased since September 11, 2001.

Chief Beck suggested to Mr. Benjamin that it would be helpful to take detail from the Five Year Plan, expand it from his perspective, and develop a timeline. Mr. Benjamin stated that stabilizing his group and dedicating staff should help. He stated that it had been a strain to not have dedicated resources. Chair Beck asked about the tech market. Mr. Benjamin stated that a lot of techs are interested in 911, but they encountered difficulties in finding a temporary replacement for the staff member who was deployed. He said that there is a lot of demand for techs and they were unwilling to take a position that was only temporary.

8. Topic Suggestions

Topics to be discussed at the next meeting included an update on funding issues.

There being no further business, the meeting was adjourned at 3:15 p.m.